



PATENT
02581-P0562A WWW/TMO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	Andre Timmermans, <i>et al.</i>
Serial No. 10/810,288	Filing Date: March 26, 2004
Title of Application:	Device for Introducing a Suture Thread Anchor into a Bone
Confirmation No. 9283	Group Art Unit: 3731

**DECLARATION OF FACTS IN SUPPORT OF
PETITION REQUESTING STATUS UNDER 37 C.F.R. 1.47(a)**

Dear Sir:

I, Todd M. Oberdick, hereby declare and state as follows:

1. Co-inventor, Andre Timmermans, was presented with application papers (specification, claims and drawings). The application papers in Mr. Timmermans' possession were the same papers filed on March 26, 2004.
2. Mr. Timmermans was also presented with a Declaration in connection with the application papers (specification, claims and drawings) filed herewith. Mr. Timmermans refused to sign the declaration.
3. On May 19, 2004, Mr. Timmermans was sent the application papers (specification, claims and drawings) and Declaration referenced above along with a brief instructional cover letter (see copy attached at Tab 1) via registered mail (see Tab 2 for a copy of a confirmation by the sender and for related mail documents).

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4. Mr. Timmermans has not responded to the letter sent to him, has avoided telephone contact, and has refused to return telephone messages left for him.

5. As evidenced by the above facts, Mr. Timmermans, the non-signing inventor, refuses to sign the Declaration after having been presented therewith and with the application papers (specification, claims and drawings). As such, Mr. Timmermans could attest that he has "reviewed and understands the application papers" and therefore could have signed the Declaration which he was requested to sign.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued there on.

August 11, 2004
Date

Todd M. Oberdick
Todd M. Oberdick



US ATTORNEY DOCKET NO.:
EP ATTORNEY DOCKET NO.: 4613P222USCON

Assignment

WHEREAS, We, the undersigned inventors, have made certain inventions or discoveries (or both) as set forth in an application for Letters Patent of the United States of America, entitled 'DEVICE FOR INTRODUCING A SUTURE THREAD ANCHOR INTO A BONE', which application is being filed herewith;

WHEREAS, Karl Storz GmbH & Co. KG, a corporation organized and existing under the laws of the Federal Republic of Germany, and having an office and place of business at Mittelstraße 8; 78532 Tuttlingen, Germany, and, together with its successors and assigns is hereinafter called "Assignee", and is desirous of acquiring the title, rights, benefits and privileges hereinafter recited;

NOW THEREFORE, for valuable consideration furnished by Assignee to us, receipt and sufficiency of which we hereby acknowledge, we hereby, without reservation:

1. Assign, transfer and convey to Assignee the entire right, title and interest in and to said inventions and discoveries, said application for Letters Patent of the United States of America, any and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation and convention applications based in whole or in part upon said inventions or discoveries, or upon said applications, and any and all Letters Patent, reissues and extensions of Letters Patent granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications and said Letters Patent;

2. Authorize Assignee to file patent applications in any or all countries on any or all of said inventions and discoveries in our names or in the name of Assignee or otherwise as Assignee may deem advisable, under the International Convention or otherwise;

3. Authorize and request the Commissioner of Patents of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patents to Assignee, as assignee of the entire right, title and interest therein or otherwise as Assignee may direct;

4. Warrant that we have not knowingly conveyed to others any right in said inventions, discoveries, applications or patents or any license to use the same or to make, use or sell anything embodying or utilizing any of said inventions or discoveries; and that we have good right to assign the same to Assignee without encumbrance;

5. Bind our heirs, legal representatives and assigns, as well as ourselves, to do, upon Assignee's request and at Assignee's expense, but without additional consideration to us or them, all acts reasonably serving to assure that the said inventions and discoveries, the said patent applications and the same could have been held and enjoyed by us, our heirs, legal representatives and assigns if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents, including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee; to communicate to Assignee all facts known to us relating to said inventions and discoveries or the history thereof, and to furnish Assignee with any and all documents, photographs, models, samples and other physical exhibits in our control or in the control of our heirs, legal representatives or assigns, which may be useful for establishing the facts of our conceptions, disclosures, and reduction to practice of said inventions and discoveries.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals.

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Assignment

INVENTOR/ASSIGNOR

Date

André Timmermans
Brinklaan 41
NL-7261 JH Ruurlo, Netherlands

Declaration of Witness

I declare that I was personally present and did see André Timmermans, who is personally known to me to be the person named in this assignment, duly sign and execute the same.

Declared at _____, on _____

Signature of Witness

Name of Witness

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Assignment

INVENTOR/ASSIGNOR

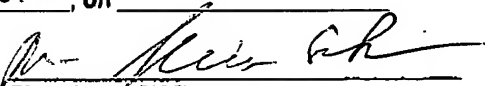
Althofen 16.6.04
Date


Georg Lajtai
Moorweg 30
9330 Althofen, Austria

Declaration of Witness

I declare that I was personally present and did see Georg Lajtai, who is personally known to me to be the person named in this assignment, duly sign and execute the same.

Declared at Althofen 16.6.04, on _____


Signature of Witness

Dr. F. Steinböck
Name of Witness